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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,445	03/19/2001	Kenjiro Matoba	OKI 273	7189

			EXAMINER
23995	7590	12/20/2004	FLANDERS, ANDREW C

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/810,445	MATOBA, KENJIRO
	Examiner	**Art Unit**
	Andrew C Flanders	2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 March 2001_.
2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
　　closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10_ is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-10_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _19 March 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☒ All·　b)☐ Some *　c)☐ None of:
　　　　1.☒ Certified copies of the priority documents have been received.
　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　　application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _3/19/01, 11/3/03_.
4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kondo (U.S. Patent 6,232,540) in view of Chauffour (U.S. Patent 5,870,397).

3.   Regarding Claims 1 and 6, Kondo discloses a system for scaling the time of an

audio signal (Title), which includes compression. Fig. 12A-D shows a scheme for

removing a section of audio (i.e. a thinning-out unit for thinning out part of the audio

digital data on a data block basis) and a cross fader for concatenating the beginning

portion with the ending portion (Figs. 12A – 12D) (i.e. a conversion unit for varying the

amplitude of either continuous plural data including the last data of a data block

immediately preceding the thinned data block or continuous plural data including the

first data of a data block immediately following the thinned data block so that the last

data of the immediately preceding data block will be concatenated with the first data of

the immediately following data block along a smooth amplitude-varying curve). Kondo

does not disclose an input terminal for inputting audio digital data including a plurality of

time-base continuous data block each of which consist of a predetermined number of

data. Chauffour discloses blocks of audio data sent into an input node (Fig. 1 elements

20 and 50) (i.e. an input terminal for inputting audio digital data including a plurality of

time-base continuous data block each of which consists of a predetermined number of

data) and the voice sample packets being generated out of the network by the node

during speech only comprise the voice packets as received in input (col. 4 lines 40 – 43)

(i.e. a reproducing unit for reproducing both the data converted by means of said

conversion unit and the other data not converted by means of said conversion unit).

One of ordinary skill in the art would have been motivated to use Kondo's system on

Chauffour's in order to further reduce bandwidth consumption (see Chauffour col. 1).

Kondo's system reduces the time of an audio segment without significantly altering the

content, which in turn would further reduce bandwidth requirements.

4.   Regarding Claims 2 and 7 in addition to the elements stated above regarding

claims 1 and 6, Kondo further discloses a cross fader (Fig. 12) (i.e. the amplitude-

varying curve is calculated according to a simply increasing or decreasing function).

5.   Regarding Claims 3 and 8, in addition to the elements stated above regarding

claims 2 and 7, Kondo further discloses a part of the extracted data is subjected to

cross fading to provide substantial matching of data with respect to time (col. 9 lines 53

– 55) (i.e. wherein the simply increasing or decreasing function is determined on the

basis of the difference between the amplitude of the last data of the data block

immediately preceding the thinned data block and the amplitude of the first data of the

data block immediately following the thinned data block, the amplitude of plural data of

which the amplitude is to be varied in the immediately following data block, position

information of the plural data, and the number of plural data).

6.   Regarding Claims 4 and 9, in addition to the elements stated above regarding

claims 1 and 6, Kondo further discloses a cross fader that puts two piece of audio data

together (Fig. 12) (i.e. wherein said conversion unit integrates the continuous plural data

the amplitude of which as been varied).

7.   Regarding Claims 5 and 10, in addition to the elements stated above regarding

claims 1 and 6, Chauffour further discloses a packetized system with a packet header

and voice encoded at a bit rate of 64 Kbits/sec (col. 1 lines 13 – 26) (i.e. wherein the

audio digital data of each data block are compressed data, each data block further

includes header information from which the first data of the data block is obtained, and

data following the first data are decompressed on the basis of the immediately

preceding data of the data block).

8.   Claims 1 - 10 are also rejected under 35 U.S.C. 103(a) as being unpatentable

over Davis (U.S. Patent 4,757,540) in view of Chauffour (U.S. Patent 5,870,397).

9.   Regarding Claims 1 and 6, in addition to what Chauffour discloses above

Chauffour discloses removing a segment of audio data (Fig. 1) (i.e. a thinning-out unit

for thinning out part of the audio digital data on a data block basis), Davis teaches

splicing two audio segments together (Figs. 1 and 2) based on their amplitude level and

changing the window (i.e. block) in order to have two similar amplitudes (col. 3 lines 23

– 41 and Fig. 2) (i.e. a conversion unit for varying the amplitude of either continuous

plural data including the last data of a data block immediately preceding the thinned

data block or continuous plural data including the first data block so that the last data of

the immediately preceding data block will be concatenated with the first data of the

immediately following data block along a smooth amplitude-varying curve). One of

ordinary skill in the art would have been motivated to use Davis' system on Chauffour's

in order to provide a smooth transition between two audio segments spliced in

Chauffour's system (see Davis cols. 1 and 2).

10.   Regarding Claims 2 and 7, in addition to the elements listed above regarding

claims 1 and 6, Davis teaches splicing two audio segments together (Figs. 1 and 2)

based on their amplitude level and changing the window (i.e. block) in order to have two

similar amplitudes (col. 3 lines 23 – 41 and Fig. 2) (i.e. the amplitude-varying curve is

calculated according to a simply increasing or decreasing function).

11.   Regarding Claims 3 and 8, in addition to the elements listed above regarding

claims 2 and 7, Davis teaches splicing two audio segments together (Figs. 1 and 2)

based on their amplitude level and changing the window (i.e. block) in order to have two

similar amplitudes (col. 3 lines 23 – 41 and Fig. 2) (i.e. wherein the simply increasing or

decreasing function is determined on the basis of the difference between the amplitude

of the last data of the data block immediately preceding the thinned data block and the

amplitude of the first data of the data block immediately following the thinned data block,

the amplitude of plural data of which the amplitude is to be varied in the immediately

following data block, position information of the plural data, and the number of plural

data).

12.   Regarding Claims 4 and 9, in addition to the elements listed above regarding

claims 1 and 6, Davis teaches splicing two audio segments together (Figs. 1 and 2)

based on their amplitude level and changing the window (i.e. block) in order to have two

similar amplitudes (col. 3 lines 23 – 41 and Fig. 2) (i.e. wherein said conversion unit integrates the continuous plural data the amplitude of which has been varied).

13.   Regarding Claims 5 and 10, in addition to the elements listed above regarding claims 1 and 6, Chauffour further discloses a packetized system with a packet header and voice encoded at a bit rate of 64 Kbits/sec (col. 1 lines 13 – 26) (i.e. wherein the audio digital data of each data block are compressed data, each data block further includes header information from which the first data of the data block is obtained, and data following the first data are decompressed on the basis of the immediately preceding data of the data block).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Flanders whose telephone number is (703) 305-0381. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

acf

FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER